



COMMONS REGISTRATION ACT 1965

Reference No.9/U/27

In the Matter of The Green,
Buckland Brewer, Devon.

DECISION

This reference relates to the question of the ownership of land known as The Green, Buckland Brewer, being the land comprised in the Land Section of Register Unit No.CL 117 in the Register of Common Land maintained by the former Devon County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference no person claimed to be the freehold owner of the land in question and no one claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Exeter on 3rd July 1975.

At the hearing Mr R.J.Cleverdon, a member of the Buckland Brewer Parish Council, appeared on behalf of that Council. The Parish Council has no documentary title to the land, but it has kept the land in order for many years. While I am unable to regard the cutting of the grass and general tidying as adverse to the possession of the true owner, it appears that shortly after World War II the Parish Council planted some trees, which are still growing on the land. In my view the necessary digging of the soil followed by the planting and the maintenance of the trees is sufficient to constitute adverse possession, which has now continued long enough to extinguish the title of the former owner.

On this evidence I am satisfied that the Buckland Brewer Parish Council is the owner of the land, and I shall accordingly direct the Devon County Council, as registration authority to register the Parish Council as the owner of the land under section 8(2) of the Act of 1965.

I am required by regulation 30(1) of the Commons Commissioners Regulations 1971 to explain that a person aggrieved by this decision as being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

Dated this 17th day of July 1975

Chief Commons Commissioner